

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DAMIEN T. DENNIS)	3:10-cv-00591-ECR-WGC
)	
Plaintiff,)	<u>MINUTES OF PROCEEDINGS</u>
)	
vs.)	August 23, 2012
)	
STATE OF NEVADA, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: Katie Lynn Ogden REPORTER: FTR

COUNSEL FOR PLAINTIFF: Damien T. Dennis, In Pro Per (Telephonically)

COUNSEL FOR DEFENDANT(S): Micheline Fairbank

MINUTES OF PROCEEDINGS: Continued Motion Hearing

11:04 a.m. Court convenes.

The court advises the parties that the supplemental documents submitted by both plaintiff (Dkt. #73) and defendants (Dkt. #66) have been reviewed and this hearing will proceed with regard to plaintiff's Motion to Compel (Dkt. #55).

Ms. Fairbank represents that the Administrative Regulations of the Nevada Department of Corrections ("NDOC") govern the confidentiality of records. Furthermore, plaintiff's opposition (Dkt. #73), itself, indicates that the only reason he is requesting employment records is to establish prior bad acts of NDOC personnel. The prejudice that would occur in providing these records would outweigh any probative value and, pursuant to Fed. R. Evid. 403, it is proper to exclude these documents, even with respect to discovery.

Mr. Dennis indicates concern that defendants are able to refer to alleged past assaults against correctional officers made by plaintiff within their motion for summary judgment (Dkt. #69); however, he is being prevented from obtaining documents that not only show prior bad acts but would lead to other discoverable evidence. Mr. Dennis represents that LR 16.1-4 provides that "discovery and initial disclosures cannot be withheld on the basis of confidentiality absent court order." Mr. Dennis notes that a protective order has not been filed in this matter.

By: _____ /s/
Katie Lynn Ogden, Deputy Clerk